

**Comments on EPA's
Enforcement and Compliance History Online (ECHO) Pilot
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(pursuant to 67 Fed.Reg. 70079; 68 Fed.Reg. 4777)

Comment 1: There is currently a disconnect between the EPA and the state environmental agencies in updating state environmental compliance information. For example, ECHO listed a specific facility as “out of compliance” over a number of quarters based on a state violation the facility received years ago. The violation was resolved at the time of issuance and the facility has been fully compliant since that time, but the ECHO system did not (or does not) receive updated information from the state and thus publishes misleading information about a facility’s environmental compliance status. Before publishing data from state environmental agencies, the EPA should have in place a quality assurance system to ensure ECHO has updated information.

Comment 2: The ECHO system does not clearly show when compliance has been achieved. While the compliance date may be listed, the spreadsheet appears to be citing to another violation date rather than explaining that the second date listed is the date of compliance. Both the month of non-compliance and month of return to compliance are listed without distinguishing between the two, thus misleading the public about facilities’ compliance status.

Comment 3: The EPA has not set out the steps it takes to weed out misinformation that is provided via the report an error tool. There is no limit to the number of users who can report that ECHO information is incorrect and industry competitors or hackers could use the “report an error” link to provide invalid information about a facility. EPA could easily set up a security screen by providing each facility in the database a unique password that is sent to the facility in the mail.

Comment 4: The EPA has failed to address how it plans on conducting ongoing monitoring for accuracy in ECHO data in the future. Are regulated entities now required to conduct quarterly reviews of the data that the EPA posts when it updates the database to ensure accuracy? The EPA should outline the steps it plans to take to maintain the integrity and accuracy of the database as updates occur, rather than have this one-time initial quality control pilot. Along those lines, two tools should be available from the regulated industry side to ensure accuracy:

- Each regulated facility should be given an opportunity to review its data that EPA intends to post before the EPA makes the compliance information public on ECHO (this will prevent misinformation from being disseminated to the public when it is beyond the facility’s control to post accurate data);
- The error reporting tool that is being utilized in the pilot to correct errors in data should always be available on ECHO.

Comment 5: The response time for the EPA responding to, and correcting, reported errors is prolonged, at least during this pilot phase. Regulated industry is put in the position of having to dedicate staff time to quarterly or semi-annual reviews of data to ensure accuracy. After review,

facilities find (and have found) and report errors via the ECHO “report errors” tool in the facility spreadsheet, but then have (and have had) to wait for sixty or more days for the EPA to respond to the report while the misinformation stays readily available to mislead the public. One solution would be to immediately remove any information from ECHO that is reported to be incorrect and keep the information off the website until a quality review and follow up can be done of the error report.

Comment 6: There is no distinction between types of violations that are listed in ECHO. A paperwork error could have occurred at a facility and, as a result, cause a listing in ECHO of quarterly non-compliance. However, the general public would have no knowledge that the “non-compliance” did not result in any environmental harm and may have been corrected prior to the violation even being issued. If major violators can be pointed out in ECHO, then minor violations should also be noted.

Comment 7: The EPA might consider providing information on the abbreviations used in ECHO.